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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,054	08/23/2001	Masahiro Odashima	041514-5231	7761

9629 7590 07/02/2003

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EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8h

Office Action Summary

Application No.

09/935,054

Applicant(s)

ODASHIMA ET AL.

Examiner

Gregory C. Issing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2,4-7,9 and 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. Claim2, 4-7, 9 and 11-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12.

2. Applicant's election with traverse of the restriction requirement in Paper No. 12 is acknowledged. The traversal is on the ground(s) that there is not a serious burden on the Examiner since the claims were already examined by the Examiner in a previous Office Action. This is not found persuasive because the claims do set forth a plurality of different inventions. Additionally, claims 13 and 14 are drawn to an apparatus not previously claimed. That several embodiments are met by a single reference, as was apparently deemed by the Examiner in the first Office Action, does not negate the fact that several inventions are claimed. A patent is defined by a single invention which may be of varying scope. In the instant case, the different embodiments are not merely different scope but rather different inventions as set forth in the restriction requirement. Lastly, an undue burden is placed on the Examiner since in order to properly search for the various claimed embodiments various search fields not originally searched are required.

The requirement is still deemed proper and is therefore made FINAL.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Usui.

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Usui discloses a mobile vehicle navigation apparatus comprising a GPS receiver 1 for determining own position, a receiver 4 for receiving other vehicles' position and ID information, an identification data judgement means 6 and display means 3 for displaying the position of self and the other vehicle as received by the receiver 4 and judged to be a predetermined user. The identification data judgement means receives the data from all received vehicles and makes a determination as to whether or not it is a predetermined vehicle. The identification of whether or not the vehicle is predetermined inherently includes previously setting or not setting a vehicle as predetermined. This inherent predetermined step meets the scope of setting a vehicle in a valid or invalid state. Usui also teaches the communication between users, mobile or stationary using transmitters and receivers, including control stations which issue commands to other users. The issuing of commands as well as the clear capability of each of the users to communicate position, ID and other information teaches the capability of issuing position requests.

The applicants argue that the claimed subject matter differs from Usui since it allows a user to enable or disable any of the predetermined vehicles at any time. This is not convincing since the judgement means provides the selection of a vehicle's data on the basis of whether or not the other vehicle is predetermined to be accepted or not accepted, i.e. it is either valid or not valid. Furthermore, the applicant does not argue the claim language since the claims do not define that the user enables/disables or that such change is at any time. Applicants also argue that claim 3, and thus claim 10, distinguish over the prior art since these claims teach transmitting a position request. As stated above, the request of position information in a navigation system that allows full communication capability is taught by the prior art.

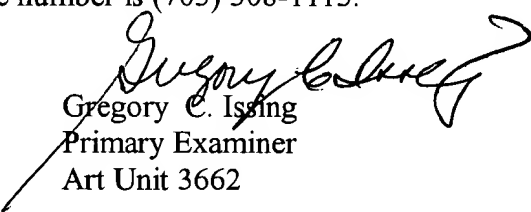
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156.

The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci
June 30, 2003